



# CITY OF HUNTINGTON BEACH

## Inter Office Communication

### Planning Department

**TO:** Planning Commission

**FROM:** Scott Hess, Director of Planning

*SH*  
*gHP*

**DATE:** September 8, 2008

**SUBJECT: PROPOSED MIXED-USE TRANSIT CENTER DISTRICT**

Zoning Text Amendment (ZTA) No. 07-004 is a request to establish a Mixed-Use Transit Center District (Chapter 218 of the HBZSO). On July 22, 2008, the applicant's proposed Mixed-Use Transit Center District was included in The Ripcurl Study Session Report (the project). Attached for your review are staff's recommended changes to the applicant's proposed Mixed-Use Transit Center District zoning and development standards in a legislative draft (strike-out/bold and underline) and draft ordinance format. The major changes are highlighted below:

CHAPTER 218 (New)	Proposed by the Applicant	Recommended Changes by Staff
Setbacks		
Side	5 ft.	10 ft.
Rear	5 ft.	10 ft.
Maximum Height	76 ft.	80 ft. (a minimum of 2 stories and a maximum of 6 stories)
Maximum Floor Area Ratio	3.0	2.5
Minimum Lot Area per Dwelling Unit	335 sq. ft.	--
Minimum Residential Floor Area		
Studio	450 sq. ft.	each dwelling unit shall have a minimum floor area of 450 sq. ft.
One Bedroom	550 sq. ft.	
Two Bedrooms	800 sq. ft.	
Three or More Bedrooms	1000 sq. ft.	
Minimum Open Space		
Per Unit	150 sq. ft.	150 sq. ft.
Private Open Space	0 sq. ft.	60 sq. ft.
Off-Street Parking		
Studio/One Bedroom	1 space per unit	1 space per unit
Two Bedrooms	2 spaces per unit	2 spaces per unit
Three or More Bedrooms	2.5 spaces per unit	2.5 spaces per unit
Guest Parking	1 space per 10 units	1 space per 4 units
Private Storage Space	0 cu. ft.	100 cu. ft.

**Attachments:**

1. HBZSO—Table of Contents (Add Chapter 218: Mixed-Use Transit Center District)
2. Legislative Draft—ZTA No. 07-004
3. Draft Ordinance—ZTA No. 07-004

copy: Herb Fauland, Planning Manager  
Tess Nguyen, Associate Planner  
Project File

**LATE COMMUNICATION #SS-A1**

# HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE

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**LEGISLATIVE DRAFT ORDINANCE—ZTA NO. 07-004**  
**(STAFF RECOMMENDATION—THE RIPCURL PROJECT)**

**Chapter 218 Mixed-Use Transit Center District**

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218.08	Modifications for Affordable Housing
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218.12	Review of Plans

**218.02      Mixed-Use Transit Center District Established**

~~The TCD Transit Center District is established by this chapter. The purpose of the Mixed-Use Transit Center District is to implement the General Plan Land Use Plan mixed-use land use designation. This district provides areas for high density mixes of residential and commercial uses near within ¼ mile of established transit centers or centers as determined by the Planning Director. Transit centers, serving buses or other modes of transportation, are facilities where passengers transfer from one route to another. The intent of This district provides for is to encourage the development of pedestrian-friendly, transit oriented development communities in areas of the City adjacent to the necessary existing transit infrastructure. either existing or planned, to support the density with minimal impact on traffic.~~

**218.04      MU-TCD District: Land Use Controls**

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in MU-TCD district.

~~"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" that follow.~~

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

<b>MU-TCD DISTRICT: LAND USE CONTROLS</b>	P=Permitted L=Limited PC=Conditional Use Permit approved by Planning Commission ZA=Conditional Use Permit approved by Zoning Administrator	
	<b>Land Use Controls</b>	<b>Additional Provisions</b>
<b>Residential Uses</b>		<u>(A)(K)</u>
Single-family Residential	PC	
Multi-family Residential	PC	
<b><u>Public and Semipublic Uses</u></b>		<u>(A)</u>
<u>Clubs and Lodges</u>	<u>P</u>	
<u>Day Care, General</u>	<u>ZA</u>	
<u>Day Care, Large Family</u>	<u>P</u>	<u>(C)</u>
<u>Government Offices</u>	<u>P</u>	
<u>Public Safety Facilities</u>	<u>P</u>	
<u>Religious Assembly</u>	<u>ZA</u>	
<u>Schools, Public or Private</u>	<u>PC</u>	
<b>Commercial Uses</b>		<u>(A)(J)(K)</u>
<del>Animal Sales &amp; Service</del>	<del>P</del>	
Artists' Studios	P	
Banks and Savings & Loans	P	
Catering Services	P	
<del>Clubs and Lodges</del>	<del>P</del>	
<del>Commercial Recreation and Entertainment</del>	<del>PC</del>	<del>(A)</del>
<del>Community and Human Services</del>	<del>ZA</del>	
<del>Cultural Institutions</del>	<del>PC</del>	
<del>Day Care, General</del>	<del>ZA</del>	
<del>Day Care, Large Family</del>	<del>ZA</del>	
Drug Stores/Pharmacy	P	
Eating and Drinking Establishments	P	
w/ Alcohol	ZA	(B)(C)
w/ Live Entertainment	ZA	(C)(D)
w/ Dancing	PC	(E)
w/ Outdoor Dining	ZA	(C)(F)
<del>Emergency Health Care</del>	<del>ZA</del>	
Food and Beverage Sales	P	

w/ Alcohol Beverage Sales	ZA	(B)
Government Offices	P	
Health and Sports Clubs	P	
Office, Business and Professional	P	
Park and Recreational Facilities	P	
Parking	ZA	(H)
<u>Personal Enrichment Services</u>	<u>P</u>	<u>(C)</u>
Personal Services	P	
Public Safety Facilities	P	
Religious Assembly	ZA	
Retail Sales	P	(I)
Schools, Public or Private	PC	
Visitor Accommodations	PC	

### **MU-TCD District: Additional Provisions**

~~L-1 — Permitted if the space is 5,000 square feet or less; allowed with Neighborhood Notification pursuant to Chapter 241 if the laboratory space exceeds 5,000 square feet.~~

~~(A) – See section 230.38: Game Centers; Chapter 5.28: Dance Halls; Chapter 9.24: Card Rooms; Chapter 9.32: Poolrooms and Billiards; and Chapter 9.28: Pinball Machines. All projects in this District shall have both residential and non-residential components. At least 50 percent of the building fronting public streets shall be non-residential uses. At least 50 percent of the project shall be residential uses.~~

~~(B) – The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process: (i) Retail markets with no more than 10 percent of the floor area devoted to sales, display and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel; (ii) Restaurants, bars and liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use; and (iii) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.~~

~~(C) – Neighborhood notification requirements pursuant to Chapter 241.~~

~~(D) — Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit.~~

~~(E) – For teen dancing facilities, bicycle racks or a special bicycle parking area shall be provided. These may not obstruct either the public sidewalk or the building entry. See also Chapter 5.28: Dancing Halls and Chapter 5.44: Restaurants – Amusement and Entertainment Premises. and Chapter 5.70: Adult Entertainment Businesses.~~

~~(F) – Outdoor dining with alcohol sales shall be permitted with a conditional use permit to the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall~~

be permitted with an administrative ~~out a conditional use~~ permit. If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241.

~~(G) – Only permitted on a major arterial street, and a passive or active outdoor recreational amenity shall be provided.~~

(H) – Stand-alone or permanent parking structure not ancillary to the permitted uses listed above. Must demonstrate necessity of use. See Section 231.18-G (Parking Structures).

(I) – See Section 230.94: Carts and Kiosks

(J) – Development of vacant land or additions of 10,000 square feet or more in building floor area; or additions equal to or greater than 50% of the existing building's floor area requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed project to the Zoning Administrator if the proposed project has the potential to impact residents or tenants in the vicinity (e.g. increased noise, traffic).

(K) – Projects within 500 feet of a PS District see Chapter 244.

## **218.06      MU-TCD District: Property Development Standards**

The following schedule prescribes development standards for MU-TCD zoning district designated on the zoning map. The first column establishes the basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Provisions" column refer to "Additional Development Standards" following the schedule.

~~In calculating~~ The number of units permitted on the site density is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number, except that one dwelling unit may be allowed on a legally created lot complying with minimum lot area.  
~~In calculating the maximum gross floor area as defined in Chapter 203~~ The floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with the definitions set forth in Chapter 203, Definitions.

~~Any new parcel created pursuant to Title 25, Subdivisions, shall comply with the minimum building site requirements of the district in which the parcel is located unless approved as a part of a Planned Unit Development.~~

### **Property Development Standards for MU-TCD District**

	<u>MU</u> -TCD	Additional Requirements
Minimum Lot Area (sq. ft.)	43,560	
Minimum Lot Width (ft.)	100	

Minimum Setbacks		
Front (ft)	5	(A)(B)
Side (ft.)	<del>5</del> <u>10</u>	(B)(C)(D)(E)(F)
Rear (ft.)	<del>5</del> <u>10</u>	(B)(C)(F)
Maximum Height of Structures (ft.)	<del>76</del> <u>80</u>	(G)
Maximum Wall Dimensions		(H)
Maximum Floor Area Ratio (FAR)	<del>3.0</del> <u>2.5</u>	
Minimum Site Landscaping (%)	8	(I)(J)
Minimum Lot Area per Dwelling Unit (sq. ft.)	335 -	
Minimum <u>Residential</u> Floor Area		( <del>O</del> ) ( <u>N</u> )
Maximum Lot Coverage (%)	75	
Minimum Open Space		( <del>P</del> ) (O)
Accessibility within Dwellings		( <del>Q</del> ) (P)
Lighting		( <del>R</del> ) (Q)
Fences and Walls		(K) ( <del>L</del> )
Off-Street Parking and Loading	<u>See Chapter 231</u>	(M) ( <del>N</del> )
Outdoor Facilities	See Section 230.74	( <del>S</del> )
Screening of Mechanical Equipment	See Section 230.76	( <del>S</del> )
Antenna	See Section 230.80	( <u>R</u> )
Off-Street Parking and Loading	<del>See Chapter 231</del>	( <del>N</del> )
Accessory Structures	See Chapter 230.08	
Refuse Storage Areas	See Section 230.78	
Underground Utilities	See Chapter 17.64	
Performance Standards	See Section 230.82	
Nonconforming Structures	See Chapter 236	
Signs	See Chapter 233	( <del>T</del> ) ( <u>S</u> )
<del>Courts</del> Building Separations		( <del>U</del> ) ( <u>T</u> )
<u>Building Design Standards</u>		( <u>U</u> )
<u>Private Storage Space</u>		( <u>V</u> )

### MU-TCD District: Additional Development Standards

- (A) Double Multiple street frontage lots shall provide front yards on each frontage.
- (B) Projections into Setbacks
- (1) See Section 230.68: Building Projections into Yards.
  - (2) Balconies and bay windows may project into required setbacks and usable open space areas subject to Section 230.68, provided that balconies have open railings, glass, or architectural details with openings to reduce visible bulk. Balconies composed solely of solid enclosures are not allowed to project into required setbacks.



~~(3) Awnings, canopies, covered walkways, covered patios, and covered arcades with no programmed indoor space may project into required setbacks and usable open space areas.~~

~~(G) Along a side or rear property line abutting residential uses, a 10-foot setback is required.~~

~~(D) Interior Side Setback~~

~~(1) In the TCD District, interior side setbacks shall be a minimum of 5 feet, except as stated below.~~

~~(E) Street Side Setbacks. In the TCD District, the street side yard shall be the same as the front setback.~~

~~(F) Zero Side or Rear Setback.~~

~~(1) A zero interior side setback may be permitted provided that the opposite side setback on the same lot is not less than 5 feet, and shall be subject to the requirements listed in subsection (3) below.~~

~~(2) A zero rear setback may be permitted provided that the opposite rear setback for the adjacent lot is either zero or a minimum of 10 feet, and subject to the requirements listed in subsection (3) below.~~

~~(3) A zero side or rear setback may be permitted subject to the following requirements:~~

~~(a) The lot adjacent to the zero side or rear setback shall either be held under the same ownership at the time of application, or a deed restriction or agreement approved as to form by the City Attorney shall be recorded giving written consent of the adjacent property owner.~~

~~(b) A maintenance easement, approved as to form by the City Attorney, shall be recorded between the property owner and the owner of the adjacent lot to which access is required in order to maintain and repair a zero lot line structure. Such easement shall be an irrevocable covenant running with the land. No building permits shall be issued until such recorded maintenance easement has been submitted.~~

~~(c) Separation between the proposed structure and any structure on an adjacent lot shall either be zero or a minimum of 5 feet.~~

~~(d) No portion of the dwelling or any architectural features shall project over the property line.~~

~~(e) The zero setback shall not be adjacent to a public or private right-of-way.~~

~~(f) Exposure protection between structures shall be provided as specified by the Fire Department and Building Division.~~

~~(G) Height Requirements. See Section 230.70: Measurement of Height and Section 230.72: Exceptions to Height Limits. A minimum of two stories and a maximum of six stories shall be allowed.~~

~~(H) Maximum Wall Dimensions. All building a front or street side wall surfaces shall be no longer than 250 feet without either:~~

- (1) a break, a recess or offset measuring at least 10 feet that vary the depth of the building wall by a minimum of 4 feet, or
- (2) a series of offsets, projections or recesses, including balconies, at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of 4 feet.

The Director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.

- (I) Planting Areas: With the exception of sidewalks, driveways, pathways and paved outdoor seating areas, required front and street side yards shall be planting areas.
- (J) Landscape Improvements
  - (1) ~~For sites in the TCD District, planting on rooftops, podium areas, or porches, as well as any hardscape elements, shall be considered landscaping, in addition to the items listed under Section 203.06.~~
  - (2) One 36-inch box tree shall be provided for every 45 lineal feet of street frontage planted within the setback areas adjacent to a street. In addition, there shall be one 36-inch box tree planted within the common open space areas for each ground or first level unit. Specimen palms may be substituted at a ratio of 1/2 foot brown trunk height for one inch of box tree inch required.
- (K) See Section 230.88: Fencing and Yards.
- (L) ~~See Chapter 231: Off-street Parking and Loading. The Planning Commission or Zoning Administrator may grant a reduction in the total number of required spaces when the applicant can demonstrate that the various uses have divergent needs in terms of daytime versus nighttime hours or weekday versus weekend hours.~~
- (M) Off-Street Parking
  - (1) ~~The requirements of Chapter 231 shall be modified such that sites in the TCD District shall only be required to provide Off-street parking spaces~~ shall be provided in accordance with the following Schedule A:

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**OFF-STREET PARKING SPACES REQUIRED IN MU-TCD ZONE: SCHEDULE A**

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Use Classification	Spaces
<b>Residential</b>	
Studio	1 space per unit
one bedroom	1 space per unit
two bedrooms	2 spaces per unit
three or more bedrooms	2.5 spaces per unit
Guests	<del>1 space per 10 units</del> <u>1 space per 4 units</u>
<b>Commercial</b>	<del>Per Chapter 231 or any subsequent applicable specific plan requirements</del>
<b>Public and Semi-Public</b>	Per Chapter 231

~~(2) Compact and tandem spaces shall be allowed. For parking compliance purposes, compact spaces shall be counted as a full space and tandem spaces shall be counted as ½ of a space. Not more than 25% of a project's parking requirement shall be met by any combination of compact or tandem parking spaces.~~

- (N) Minimum Floor Area. Each dwelling unit in a multi-family mixed-use building and ~~attached single family dwellings~~ shall have the following minimum floor area of 450 square feet.

<b>Unit Type</b>	<b>Minimum Area (Square Feet)</b>
Studio	450
One bedroom	550
two bedrooms	800
three or more bedrooms	1,000

- (O) Open Space Requirements.

(1) The minimum open space area (private and common) for multi-family mixed-use residential projects in the MU-TCD District shall be 150 square feet per residential unit. For purposes of this subsection, open space shall mean an area which is designed and intended to be used for active or passive recreation. Open space may consist of private and/or common areas. Parking areas, access aisles, and driveways shall not qualify as usable open space. ~~Required front and side yards shall qualify as usable open space.~~

- (2) Private Open Space.

- (a) Private open space shall be provided in courts or balconies within which a horizontal rectangle has no dimension less than 5 6 feet.
- (b) Each dwelling unit shall be provided a minimum of 60 square feet of private open space.
- (c) Private open space shall be contiguous to the unit and for the exclusive use of the occupants. Private open space shall not be accessible to any dwelling unit except the unit it serves and shall be physically separated from common areas by a wall or hedge at least 42 inches in height.

- (3) Common Open Space.

- (a) Common open space, provided by interior side yards, patios, courts, and terraces, shall be designed so that ~~a horizontal rectangle~~ has no dimension is less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas.
- (b) Projects with more than 20 units shall include at least one amenity, such as a clubhouse, swimming pool, tennis court, volleyball court, outdoor cooking facility, or other recreation facility. Such common amenity spaces shall count toward the common open space requirement.

- (P) All habitable rooms in a dwelling unit shall must be accessible from within the dwelling.

- (Q) Lighting. ~~A Lighting system shall be provided in all projects along all vehicular access ways and major walkways. Lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. A lighting plan shall be submitted for approval by the Director.~~
- (R) ~~See Section 230.44: Recycling Operations and~~ Section 230.88: Antennae.
- (S) ~~The provisions of Chapter 233, Signs, applicable to Commercial Districts shall apply in the TCD District.~~ See Chapter 233, Signs—Commercial Districts, for applicable provisions related to signs in the commercial component of the MU-TCD District.
- (T) ~~Courts Opposite Windows in the TCD District. Courts shall be provided opposite a living room in all multi-family projects in the TCD District subject to the following requirements:~~
- ~~(1) Courts Opposite Walls on the Same Site: The minimum depth of a court shall be not less than 20 feet opposite a required window in a living room and 14 feet opposite a required window for any other habitable room.~~
  - ~~(2) Court Open to Sky: Courts shall be open to the sky. Eaves may project a maximum 2 feet into a court on each side.~~

Building Separations in the MU-TCD District. Building separations shall be provided in all mixed-use projects in the MU-TCD District subject to the following requirements:

- (1) The minimum building separation shall be not less than 20 feet opposite a window in a living room and 14 feet opposite a window for any other habitable room.
- (2) The building separation shall be open to the sky. Eaves may project a maximum 2 feet into this area on each side.

- (U) Building Design Standards. Buildings in the MU-TCD District shall be built in accordance with the following requirements:
- (1) The maximum building length shall be 300 feet. Building length is defined as the total length of a primary building mass lining a street.
  - (2) Structures with heights greater than five stories shall set back the upper portions of the structure a minimum of 10 feet for each additional story.
  - (3) The maximum block size shall be 2,400 feet. Block size is a measure of the total length of the street-fronting property lines along all block faces enclosed within the nearest surrounding publicly accessible streets.

- (V) Private Storage Space. A minimum of 100 cubic feet of private storage space shall be provided for each residential dwelling unit outside such unit. Such private storage space shall be fully enclosed and lockable.

## **218.08 Modifications for Affordable Housing**

The Planning Commission may approve a conditional use permit modifying the minimum property development standards in this chapter for affordable housing, as provided in Section 230.14. The proposed modifications shall be requested in writing by the applicant, accompanied by a detailed pro-forma, rental guidelines, deed restrictions, financial subsidies, and other types of documentation which will serve to demonstrate the need for a reduction of development standards. Modifications to the standards may include, but are not limited to, the parking requirements and open space. The specific standard(s) from which the applicant is requesting relief shall be identified and alternative development standard(s) proposed.

## **218.10 Affordable Housing Sustainable Development**

- ~~(A) Projects in a TCD District containing residential units shall provide affordable units either as required in Section 230.26 or by complying with an Affordable Housing Agreement as approved by the Director.~~

Sustainable or “green” building practices shall be incorporated into the design of the proposed structures and associated site improvements. Sustainable building practices shall include (but are not limited to) those recommended by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program certification or Build It Green’s Green Building Guidelines and Rating Systems.

## **218.12 Review of Plans**

All applications for new construction, initial establishment of use, exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows:

- (A) Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.
- (B) Design Review Board. See Chapter 244.
- (C) Planning Commission. Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.
- (D) Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245.

**DRAFT ORDINANCE—ZTA NO. 07-004**

**(STAFF RECOMMENDATION—THE RIPCURL PROJECT)**

**Chapter 218 Mixed-Use Transit Center District**

**Sections:**

218.02	Mixed-Use Transit Center District Established
218.04	MU-TCD District: Land Use Controls
218.06	MU-TCD District: Development Standards
218.08	Modifications for Affordable Housing
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218.12	Review of Plans

**218.02 Mixed-Use Transit Center District Established**

The purpose of the Mixed-Use Transit Center District is to implement the General Plan Land Use Plan mixed-use land use designation. This district provides areas for high density residential and commercial uses within ¼ mile of established transit centers or centers as determined by the Planning Director. Transit centers, serving buses or other modes of transportation, are facilities where passengers transfer from one route to another. This district provides for pedestrian-friendly, transit oriented development in areas adjacent to existing transit infrastructure.

**218.04 MU-TCD District: Land Use Controls**

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in MU-TCD district.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

**MU-TCD DISTRICT:  
LAND USE CONTROLS**

P=Permitted  
PC=Conditional Use Permit approved by Planning Commission  
ZA=Conditional Use Permit approved by Zoning Administrator

	<b>Land Use Controls</b>	<b>Additional Provisions</b>
<b>Residential Uses</b>		(A)(I)
Multi-family Residential	PC	
<b>Public and Semipublic Uses</b>		(A)
Clubs and Lodges	P	
Day Care, General	ZA	
Day Care, Large Family	P	(C)
Government Offices	P	
Public Safety Facilities	P	
Religious Assembly	ZA	
Schools, Public or Private	PC	
<b>Commercial Uses</b>		(A)(H)(I)
Artists' Studios	P	
Banks and Savings & Loans	P	
Catering Services	P	
Drug Stores/Pharmacy	P	
Eating and Drinking Establishments	P	
w/ Alcohol	ZA	(B)(C)
w/ Live Entertainment	ZA	(C)
w/ Dancing	PC	(D)
w/ Outdoor Dining	ZA	(C)(E)
Food and Beverage Sales	P	
w/ Alcohol Beverage Sales	ZA	(B)
Office, Business and Professional	P	
Park and Recreational Facilities	P	
Parking	ZA	(F)
Personal Enrichment Services	P	(C)
Personal Services	P	
Retail Sales	P	(G)
Visitor Accommodations	PC	

**MU-TCD District: Additional Provisions**

(A) – All projects in this District shall have both residential and non-residential components. At least 50 percent of the building fronting public streets shall be non-residential uses. At least 50 percent of the project shall be residential uses.

(B) – The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process: (i) Retail markets with no more than 10 percent of the floor area devoted to sales, display and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel; (ii) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.

(C) – Neighborhood notification requirements pursuant to Chapter 241.

(D) – See also Chapter 5.28: Dancing Halls and Chapter 5.44: Restaurants – Amusement and Entertainment Premises.

(E) – Outdoor dining with alcohol sales shall be permitted with a conditional use permit to the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall be permitted with an administrative permit. If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241.

(F) – Stand-alone or permanent parking structure not ancillary to the permitted uses listed above. Must demonstrate necessity of use. See Section 231.18-G (Parking Structures).

(G) – See Section 230.94: Carts and Kiosks

(H) – Development of vacant land or additions of 10,000 square feet or more in building floor area; or additions equal to or greater than 50% of the existing building's floor area requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed project to the Zoning Administrator if the proposed project has the potential to impact residents or tenants in the vicinity (e.g. increased noise, traffic).

(I) – Projects within 500 feet of a PS District see Chapter 244.

## **218.06 MU-TCD District: Property Development Standards**

The following schedule prescribes development standards for MU-TCD zoning district designated on the zoning map. The first column establishes the basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Provisions" column refer to "Additional Development Standards" following the schedule.

The number of units permitted on the site is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number, except that one dwelling unit may be allowed on a legally created lot complying with minimum lot area. The floor area ratio is calculated on the basis of net site area. All required setbacks shall be measured from ultimate right-of-way and in accordance with the definitions set forth in Chapter 203, Definitions.



## Property Development Standards for MU-TCD District

	MU-TCD	Additional Requirements
Minimum Lot Area (sq. ft.)	43,560	
Minimum Lot Width (ft.)	100	
Minimum Setbacks		
Front (ft)	5	(A)(B)
Side (ft.)	10	(B)
Rear (ft.)	10	(B)
Maximum Height of Structures (ft.)	80	(C)
Maximum Wall Dimensions		(D)
Maximum Floor Area Ratio (FAR)	2.5	
Minimum Site Landscaping (%)	8	(E)(F)
Minimum Lot Area per Dwelling Unit (sq. ft.)	-	
Minimum Residential Floor Area		(I)
Maximum Lot Coverage (%)	75	
Minimum Open Space		(J)
Accessibility within Dwellings		(K)
Lighting		(L)
Fences and Walls		(G)
Off-Street Parking and Loading		(H)
Outdoor Facilities	See Section 230.74	
Screening of Mechanical Equipment	See Section 230.76	
Antenna	See Section 230.80	(M)
Accessory Structures	See Chapter 230.08	
Refuse Storage Areas	See Section 230.78	
Underground Utilities	See Chapter 17.64	
Performance Standards	See Section 230.82	
Nonconforming Structures	See Chapter 236	
Signs	See Chapter 233	(N)
Building Separations		(O)
Building Design Standards		(P)
Private Storage Space		(Q)

### MU-TCD District: Additional Development Standards

- (A) Multiple street frontage lots shall provide front yards on each frontage.
- (B) Projections into Setbacks
- (1) See Section 230.68: Building Projections into Yards.
  - (2) Balconies and bay windows may project into required setbacks and usable open space areas subject to Section 230.68, provided that balconies have open railings, glass, or architectural details with openings to reduce visible bulk.

Balconies composed solely of solid enclosures are not allowed to project into required setbacks.

- (C) Height Requirements. See Section 230.70: Measurement of Height and Section 230.72: Exceptions to Height Limits. A minimum of two stories and a maximum of six stories shall be allowed.
- (D) Maximum Wall Dimensions. All building wall surfaces shall be no longer than 250 feet without either:
- (1) a break, a recess or offset measuring at least 10 feet that vary the depth of the building wall by a minimum of 4 feet, or
  - (2) a series of offsets, projections or recesses, including balconies, at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of 4 feet.
- The Director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.
- (E) Planting Areas: With the exception of sidewalks, driveways, pathways and paved outdoor seating areas, required front and street side yards shall be planting areas.
- (F) Landscape Improvements
- (2) One 36-inch box tree shall be provided for every 45 lineal feet of street frontage planted within the setback areas adjacent to a street. In addition, there shall be one 36-inch box tree planted within the common open space areas for each ground or first level unit. Specimen palms may be substituted at a ratio of 1/2 foot brown trunk height for one inch of box tree inch required.
- (G) See Section 230.88: Fencing and Yards.
- (H) Off-Street Parking. Off-street parking spaces shall be provided in accordance with the following Schedule A:

<b>OFF-STREET PARKING SPACES REQUIRED IN MU-TCD ZONE: SCHEDULE A</b>	
<b>Use Classification</b>	<b>Spaces</b>
<b>Residential</b>	
Studio	1 space per unit
one bedroom	1 space per unit
two bedrooms	2 spaces per unit
three or more bedrooms	2.5 spaces per unit
Guests	1 space per 4 units
<b>Commercial</b>	Per Chapter 231
<b>Public and Semi-Public</b>	Per Chapter 231

- (I) Minimum Floor Area. Each dwelling unit in a mixed-use building shall have the minimum floor area of 450 square feet.
- (J) Open Space Requirements.
- (1) The minimum open space area (private and common) for mixed-use projects in the MU-TCD District shall be 150 square feet per residential unit. For purposes of this subsection, open space shall mean an area which is designed and intended to be used for active or passive recreation. Open space may consist of private and/or common areas. Parking areas, access aisles, and driveways shall not qualify as usable open space.
- (2) Private Open Space.
- (a) Private open space shall be provided in courts or balconies within which a horizontal rectangle has no dimension less than 6 feet.
- (b) Each dwelling unit shall be provided a minimum of 60 square feet of private open space.
- (c) Private open space shall be contiguous to the unit and for the exclusive use of the occupants. Private open space shall not be accessible to any dwelling unit except the unit it serves and shall be physically separated from common areas by a wall or hedge at least 42 inches in height.
- (3) Common Open Space.
- (a) Common open space, provided by interior side yards, patios, courts, and terraces, shall be designed so that no dimension is less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas.
- (b) Projects with more than 20 units shall include at least one amenity, such as a clubhouse, swimming pool, tennis court, volleyball court, outdoor cooking facility, or other recreation facility. Such common amenity spaces shall count toward the common open space requirement.
- (K) All habitable rooms in a dwelling unit shall be accessible from within the dwelling.
- (L) Lighting. Lighting shall be provided in all projects along all vehicular access ways and major walkways. Lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. A lighting plan shall be submitted for approval by the Director.
- (M) See Section 230.88: Antennae.
- (N) See Chapter 233, Signs—Commercial Districts, for applicable provisions related to signs in the commercial component of the MU-TCD District.
- (O) Building Separations. Building separations shall be provided in all mixed-use projects in the MU-TCD District subject to the following requirements:
- (1) The minimum building separation shall be not less than 20 feet opposite a window in a living room and 14 feet opposite a window for any other habitable room.

- (2) The building separation shall be open to the sky. Eaves may project a maximum 2 feet into this area on each side.
- (P) Building Design Standards. Buildings in the MU-TCD District shall be built in accordance with the following requirements:
  - (1) The maximum building length shall be 300 feet. Building length is defined as the total length of a primary building mass lining a street.
  - (2) Structures with heights greater than five stories shall set back the upper portions of the structure a minimum of 10 feet for each additional story.
  - (3) The maximum block size shall be 2,400 feet. Block size is a measure of the total length of the street-fronting property lines along all block faces enclosed within the nearest surrounding publicly accessible streets.
- (Q) Private Storage Space. A minimum of 100 cubic feet of private storage space shall be provided for each residential dwelling unit outside such unit. Such private storage space shall be fully enclosed and lockable.

#### **218.08 Modifications for Affordable Housing**

The Planning Commission may approve a conditional use permit modifying the minimum property development standards in this chapter for affordable housing, as provided in Section 230.14. The proposed modifications shall be requested in writing by the applicant, accompanied by a detailed pro-forma, rental guidelines, deed restrictions, financial subsidies, and other types of documentation which will serve to demonstrate the need for a reduction of development standards. Modifications to the standards may include, but are not limited to, the parking requirements and open space. The specific standard(s) from which the applicant is requesting relief shall be identified and alternative development standard(s) proposed.

#### **218.10 Sustainable Development**

Sustainable or "green" building practices shall be incorporated into the design of the proposed structures and associated site improvements. Sustainable building practices shall include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification or Build It Green's Green Building Guidelines and Rating Systems.

#### **218.12 Review of Plans**

All applications for new construction, initial establishment of use, exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows:

- (A) Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.
- (B) Design Review Board. See Chapter 244.

- (C) Planning Commission. Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.
- (D) Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245.